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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,147	12/18/2000	S. Ward Casscells	THIN-03800	4162
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C. Steven McDaniel, Esq. McDaniel & Associates, P.C.			JOHNSON, HENRY I	
P.O. Box 2244			ART UNIT	PAPER NUMBER
Austin, TX 78768-2244			3739	}
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Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-63 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected. 7) Claim(s) is/are objected to. 8) Claim(s)			\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
## Examiner ## Henry M Johnson, III 37.39 **The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. • Exementor of time may be available under the provinces of 31°CR1. 155(b). In no event, however, may a reply to limite the province of 31°CR1. 155(b). In no event, however, may a reply to limite the province of 31°CR1. 155(b). In no event, however, may a reply to limit the province of 31°CR1. 155(b). In no event, however, may a reply to limit the province of 31°CR1. 155(b). In no event, however, may a reply to limit the province of 31°CR1. 155(b). In no event, however, may a reply to limit the province of 31°CR1. 155(b). In no event, however, may a reply to limit the province of 31°CR1. 155(b). In no event, however, may a reply to limit the province of 31°CR1. 155(b). In no event, however, may a reply to limit the province of 31°CR1. 155(b). In no event, however, may a reply to limit the province of 31°CR1. 155(b). In no event, however, may a reply to limit the province of 31°CR1. 155(b). In no event, however, may a reply to limit the province of 15°CR1. 155(b). In no event, however, may a reply to limit the province of 15°CR1. 155(b). In no event, however, may a reply to limit the province of 15°CR1. 15°CR1		Application No.	Applicant(s)
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Editable in firm may be available under the provious of 3° CFR 1.35(d), in no event, however, may a reply be timely filled Editable for reply specified above is less than thirty (30' days, a reply within the addatory minimum of thirty (30' days, will be considered timely. If the period for reply specified above is less than thirty (30' days, a reply within the addatory minimum of thirty (30' days, will be considered timely. If No period for reply specified above is less than thirty (30' days, a reply within the abdatory minimum of thirty (30' days, a reply within the abdatory minimum of thirty (30' days, a reply within the abdatory minimum of thirty (30' days, will be considered timely. If No period for reply is specified above is less than thirty (30' days, a reply within the abdatory minimum of the replication of the communication of the communication. The period of the second of the communication of the communication of the communication. The period of the communication of the communication of the communication of the communication. As a specification is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 c.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-63 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 8) Claim(s) 1-63 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filled on is/are: a)	, ,	pears on the cover sheet with	the correspondence address
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	1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Info	

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-56, drawn to surgical methods, classified in class 128, subclass 898.
- II. Claims 57-63, drawn to surgical instruments with heat application, classified in class 606, subclass 027.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the method of inducing apoptosis of an atrial myocyte is possible using drugs or radiation as well as heat as in the instant application.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry M Johnson, III whose telephone number is (703) 305-0910. The examiner can normally be reached on Monday through Friday from 6:30 AM to 4:00 PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C Dvorak can be reached on (703) 308-0994. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Henry M Johnson, III Patent Examiner Art Unit 3739

Hmj

ROY D'GIBSON PRIMARY EXAMINER

D. Yilson